

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941-BB

RIO CHAMA STREAM SYSTEM
Section 5: Rio Gallina

Subfile No. CHGA-004-0006

MOTION TO CORRECT CLERICAL ERROR

COMES NOW the Plaintiff State of New Mexico, *ex rel.* State Engineer and moves the Court to enter its order correcting a clerical error in the Consent Order filed December 12, 2005 (Docket No. 8084) in connection with defendants JULIAN VIGIL, MARY VIGIL and ROBERT M VIGIL and subfile CHGA-004-0006, and as grounds therefore plaintiff states:

1. Under Fed. R. Civ. P. 60(a), clerical mistakes in judgments or orders arising from oversight or omission may be corrected by the court at any time on its own motion or on the motion of any party after such notice, if any, as the court orders.

2. The Consent Order filed December 12, 2005 in subfile CHGA-004-0006 contained an incomplete description of the source of water for the water rights described. The correct description of the source of water for the water rights in this subfile is: "Surface water of the Rio Capulin, a tributary of the Rio Gallina, a tributary of the Rio Chama."

WHEREFORE, the plaintiff State of New Mexico requests the Court to enter its order correcting the clerical error described above.

Respectfully submitted,

/s/ Ed Newville

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 28th day of August 2009 I filed the foregoing electronically through the CM/ECF system which caused the parties listed on the electronic service list, as more fully set forth in the Notice of Electronic Filing, to be served via electronic mail, and served the following non-CM/ECF Participants in the manner indicated:

via first class mail, postage prepaid addressed as follows:

Robert M. Vigil
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Mary Vigil
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/s/ Ed Newville

EDWARD G. NEWVILLE